IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

Crl.MC.No. 3962 of 2006()

CC.363/2002 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE
CRIME FIR NO.161 OF 2002 .....

PETITIONER/DEFACTO COMPLAINANT:

SUNITHA NARAYANAN,
AGED 19 YEARS, D/O.NARAYANAN,
"MYNAKAM", 33/3202/B,
THOTTIL PEEDIKA, CHEVARAMBALAM,
KOZHIKODE.

BY ADV. SRI.MANJERI SUNDERRAJ
SRI.B.PREMNATH (E)

RESPONDENTS/STATE AND ACCUSED:

1. STATE OF KERALA,
REP. BY SHO ELATHOOR POLICE STATION,
KOZHIKODE CRIME FIR 178/2005,
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. DEVIKRISHNAN, AGED 28 YEARS,
S/O.LATE RAMACHANDRAN,
"SHIVAKRIPA", IRINGADAN PALLI,
NEAR THOTTILPEEDIKA, CHEVARAMBALAM,
KOZHIKODE.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.3962 of 2006

Dated this the 4th day of December 2006

O R D E R

The petitioner is the defacto complainant in a prosecution under Section 498 A and 406 I.P.C. She has entered appearance through counsel and prays that the prosecution initiated against her husband, the second respondent and his relatives may be quashed, invoking the powers under Section 482 Cr.P.C. Cognizance has been taken on the basis of a final report submitted by the police (a copy of which is produced as Annexure 2).

2. The learned counsel for the petitioner, Adv.Sri.Manjeri S.Sunder Raj vouches that the petitioner is the defacto complainant and she has willingly and voluntarily settled the disputes with her husband and his relatives and has entered into Annexure 3 agreement. The offence, though not compoundable, I am satisfied that with the aid of the dictum in B.S.Joshi v. State of Haryana [AIR 2003 SC 1386], this is eminently a fit case where quashing of proceedings can be resorted to at the request of the petitioner. This Criminal Miscellaneous Case is in these circumstances allowed. C.C.No.363 of 2002 before the J.F.C.M-1, Kozhikode is hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006